

MINUTES
HAMILTON COUNTY BOARD OF COMMISSIONERS
MARCH 28, 2011
Commissioners Courtroom
Hamilton County Government and Judicial Center
One Hamilton County Square
Noblesville, Indiana

The Hamilton County Board of Commissioners met in Executive Session in Conference Room 1A from 8:00 a.m. to 9:02 a.m. for Discussion of Personnel pursuant to IC 5-14-1.5-6.1(6)(B).

The Commissioners met in Executive Session in Conference Room 1A from 12:15 p.m. to 1:20 p.m. for discussion of the following:

- Purchase of Real Estate IC 5-14-1.5-6.1(b)(2)(D)
- Discussion of Pending Litigation IC 5-14-1.5-6.1(b)(2)(B)
- Discussion of Security IC 5-14-1.5-6.1(b)(2)(C)
- Discussion of Personnel IC 5-14-1.5-6.1(b)(9)

President Altman called the Public Session to order at 1:21 p.m. declaring a quorum present of Commissioner Christine Altman, Commissioner Steven C. Dillinger and Commissioner Steven A. Holt. Mr. Michael Howard led the Pledge of Allegiance.

EXECUTIVE SESSION MEMORANDA

Approval of Executive Session Memoranda

Dillinger moved to approve the Executive Session Memorandum for March 28, 2011. Holt seconded. Motion carried unanimously.

HIGHWAY BUSINESS

Agreements/Supplements

146th Street/Monon Greenway Utility Agreement

Mr. Jim Neal requested the Reimbursable Utility Agreement with Duke Energy for 146th Street over the Monon Greenway be tabled until the next meeting. Dillinger moved to table. Holt seconded. Motion carried unanimously.

Bridge #217 Utility Agreement

Neal requested approval of the Utility Reimbursement Agreement with Duke Energy Indiana, Inc. for Small Structure #32081 (Bridge #217) Scherer Avenue over Scherer Ditch. This is a 50/50 agreement to bury the electric cables. The estimated amount the County will be responsible for is \$26,909.85. Dillinger moved to approve. Holt seconded. Motion carried unanimously.

96th Street/Towne Road Utility Agreement

Neal requested approval of a Utility Reimbursement Agreement with Clay Township Regional Waste District for the relocation of the lift station at 96th Street and Towne Road. Estimated costs are \$206,875.00 funded out of the US 421 TIF (Tax Increment Financing) District. Dillinger so moved. Holt seconded. Altman stated she thought the design was trying to avoid that relocation? Neal replied when we shifted to the north to get away from the condominiums on the south side of 96th Street it would have put the existing lift station underneath pavement, which is not allowed. It will be moved approximately 40 feet. Altman asked if Dillinger and Holt understood the additional costs when the alignment was shifted north? Holt did not recall. Altman stated she thought we were still trying to design around it. Neal stated it was previously discussed. Motion carried unanimously.

Holt left the room.

Traffic Study Correspondence

Neal requested approval of the list of correspondence concerning investigations on Hamilton County Roads dated March 28, 2011. Dillinger moved to approve. Altman seconded. Motion carried unanimously.

- Lucille Debarr concerning traffic volume and speed on 276th Street from US 31 to Gwinn Road in Noblesville Township. Highway staff recommended no changes at this time.
- Paul & Winnie Schwinghammer concerning speed limit reduction on Pennington Road from SR 32 to 186th Street in Wayne Township. Highway staff recommended no changes at this time.
- Erin McManaman concerning speed limit reduction on Pennington Road from SR 32 to 186th Street in Wayne Township. Highway staff recommended no changes at this time.
- Kurt Wanninger concerning warning sign on 146th Street approaching Shadow Lakes Drive East in Washington Township. Highway staff recommends no changes at this time.
- Bruce Cooley concerning truck crossing, pedestrian and advisory plaque with flashing beacon adjacent to 6767 East 276th Street in Jackson Township. Highway staff recommends allowing the installation of truck crossing and pedestrian warning signs. These should not be on the same posts. All Beck's to install warning flashers with the truck crossing signs with a permit and standard agreement.
- Jim Smelser concerning speed limit reduction on Hinsley Road in Adams Township. Highway staff recommends setting the speed limit at 45 mph.

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Official Actions

Hinsley Road Regulatory Signs

Neal requested approval of the Official Action to install regulatory signs posting the speed limit at 45 mph on Hinsley Road from 1321' north of 246th Street to 253rd Street. Dillinger moved to approve. Altman seconded. Motion carried unanimously.

Holt returned to the meeting.

Announcements

Salt Procurement

Mr. Brad Davis reported on the status of salt procurement for next winter. The Indiana Department of Administration requested a meeting with them, set for Tuesday, March 29, 2011, to discuss their procurement process and our involvement with them. In the meantime he has had multiple conversations with Cargill and as of late Friday afternoon they have offered to renew their bid for next year. Davis will now meet with their purchasing group and decide if they are going to renew the bid, go with the State of Indiana bid or solicit bids on their own. He anticipates having that decision made by the next Commissioners meeting.

146th Street and Ditch Road Right of Way

Mr. Mike Howard requested authority to use funds in the US 421 TIF Fund to order a title search regarding the right of way issues at 146th Street and Ditch Road. Dillinger so moved. Holt seconded. Motion carried unanimously.

Altman reported Mayor Cook would like to meet with the Commissioners and she will be forwarding dates to him.

POLLING PLACES

Polling Places Approval

Mr. Dan Stevens requested approval of the list of Polling Precincts for the May 2011 Primary. Dillinger moved to approve. Holt seconded. Motion carried unanimously.

ASSESSOR

Advisio Professional Valuation Services Agreement

Ms. Robin Ward requested approval of an agreement for professional services with Advisio for a professional appraisal for the Hare Chevrolet property assessment appeal. Holt moved to approve. Dillinger seconded. Howard reported prior to the circuit breakers appeals of assessed value just moved the burden, it did not reduce revenue and so we always thought it was counterproductive to argue the appraisals. With the circuit breaker issues every time you erode the assessed value someone loses revenue. Ms. Ward feels there will also be some deterrent effect to the property owners. Ward stated commercial appeals in the future will be asking for substantial reductions. She has a commercial property director that is working full time on commercial appeals, some of the property owners are asking for a lot and it is not reasonable. We have to start fighting back and protecting our values. Altman asked if she has isolated this particular case because of the amount requested and the odds of success? Ward replied yes. Motion carried unanimously.

Attorney for the Assessor

Dillinger reported to Ward that he has heard a few complaints on the attorney Ward is using on appeals. Dillinger will speak with Ward after the meeting.

Sheridan Property

Altman stated there is a Sheridan property owner with an issue of outstanding taxes on Personal Property. The impression, through e-mails sent by the Treasurer's office, was that it was a forced sale and they thought the assessed value on the Personal Property would go down to the forced sale level. Ward stated Personal Property is self-assessed; her staff does not lower that. Altman asked if we accept their values? Ward replied we do if we don't see a discrepancy between years. Howard stated on Personal Property there is a year of acquisition and then there are four pools; those pools depreciate and when they are off the depreciation schedule they are off. The Assessor audits it only. Altman stated it was the Biddle Machine Shop which sold at bargain basement price and she does not know why we would accept the bargain basement value for that machinery because there may have been other factors associated with it. Holt stated he thought we didn't and that is the grievance. Altman stated the problem is nobody is paying the taxes and there are some decisions that need to be made. Ward asked if the Personal Property Tax has not been paid? Altman stated correct. Ward asked if she should look it up and get back with Altman? Altman stated this is something we need to look at because we are going to have that question come before us and we don't want to sell all of that equipment and throw people out of work. Altman stated the other question is if there is a lien against that asset for that tax just as real estate? Howard replied yes. Altman stated so whoever bought the equipment would have picked up the old taxes? Howard stated it would have been subject to.

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HUMAN RESOURCES

Nyhart Nondiscrimination Engagement Letter

Ms. Kris Pilkington, Brown & Brown Insurance, stated nondiscrimination testing is required for all medical and flexible spending accounts. As a part of completing that nondiscrimination test Nyhart has proposed a fee of \$1,200 to complete that test. The test will determine that the county's plan is not out of compliance meaning in favor of highly compensated employees. The test will be completed for the plan year 2011. Holt moved to approve. Dillinger seconded. Motion carried unanimously.

COBRA Rates

Pilkington stated Meritain has indicated that in order for them to support the COBRA Rates they have to be conducted by an Actuary and there is a fee to do that. Pilkington stated they have never had an Actuary complete the COBRA rates in the past, Meritain is indicating that if they are calculated by an Actuary the cost is \$1,500, in the past she has seen that the rates come out the exact same as what an Actuary would do verses an Underwriter. Meritain will not support the rates in the event there is a lawsuit unless they are completed by an Actuary. This is an annual calculation; we have always had an Underwriter compile the rates. Holt asked how many employees do we have on COBRA annually? Pilkington replied less than five (5). Altman asked if this calculation is included in our service? Pilkington replied it is part of the service. Pilkington recommended backing off 10 percent of the proposed rates. Holt so moved. Dillinger seconded. Motion carried unanimously.

<u>Medical/Rx</u>		<u>Dental</u>	<u>Vision</u>
Single	\$971.00	\$46.00	\$7.02
Employee & Children	\$1,748.00	n/a	n/a
Employee & Spouse	\$2,040.00	n/a	n/a
Family	\$2,428.00	\$99.00	\$14.04

Retiree Rates

Pilkington reported that Meritain has recommended keeping the current retiree rates for 2011. Medical, Dental and Vision were unbundled. Dillinger moved to approve the retiree rates for 2011. Holt seconded. Motion carried unanimously.

<u>Medical over Age 65</u> (per month)	<u>Dental</u>	<u>Vision</u>
Single - \$181.82	\$23.83	\$6.50
Employee plus children - \$317.35	n/a	n/a
Employee plus spouse - \$381.28	n/a	n/a
Family Premium - \$544.99	\$45.50	\$13.00

<u>Medical under Age 65</u> (per month)	<u>Dental</u>	<u>Vision</u>
Single - \$323.26	\$23.83	\$6.50
Employee plus children - \$567.92	n/a	n/a
Employee plus spouse - \$674.47	n/a	n/a
Family - \$947.31	\$45.50	\$13.00

Meritain Client Relationship Manager

Ms. Sheena Randall introduced Ms. Julie Smith as the new Meritain Client Relationship Manager.

Employee Benefits Fair

Randall reported the Employee Benefits Fair will be held April 20, 2011 at 9:00 a.m., 11:00 a.m. and 3:00 p.m. and April 21, 2011 at 9:00 a.m. The Fair will provide a review of the County's Health Plan and will focus on Meritain's products that are available to the employees. Meritain is initiating a new system upgrade beginning April 1st and they will be showing the employees how to navigate through the new system. Holt moved to approve the dates of the Benefit's Fair. Dillinger seconded. Motion carried unanimously.

COMMISSIONER COMMITTEE REPORTS

Soil and Water Conservation Annual Meeting

Holt reported he attended the Soil and Water Annual Meeting and there was so much enthusiasm for backyard conservation.

ATTORNEY

Affidavit of Completion – Jail Project

Howard requested approval on the Affidavit of Completion for the Jail addition. Holt moved to approve. Dillinger seconded. Motion carried unanimously.

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Notice of Hearing for Revised TIF Area

Altman stated they received a Notice of Hearing on a revised TIF area in Carmel. Howard reported under the redevelopment statute whenever you establish or expand a TIF area there has to be a notice to any taxing unit that receives tax dollars but for the capture. Altman stated this is to rebuild a residential apartment complex with \$186,000 to the new development at 116th Street in a place that is already commercial. Altman asked if we should be reviewing these and object because it is not serving the purpose. Altman asked Howard to review the documents.

SHERIFF

Communications Vehicle

Major Tom Gehlhausen reported the communications vehicle arrived March 23, 2011. It will take approximately two months to finish setting it up. The vehicle will be stored at the White River Township Fire Department, per an interlocal agreement.

Sheriff Department Restructuring

Gehlhausen reported as part of Sheriff Bowen's restructuring plan Jason Sloderback was promoted to Jail Commander, Tom Logan was promoted to Lieutenant and Chris Jones was promoted to replace Tom Logan on the road. These will be taken to the Personnel Committee tomorrow for approval.

DIRECTOR OF ADMINISTRATION

INDOT Annual District Public Meeting

Stevens reminded the Commissioners of the INDOT Annual District Public meeting scheduled for March 29, 2011 from 1:00 p.m. to 5:00 p.m. at the Greenfield District Office.

Blast on the Bridge

Holt moved to approve closing the bridge at Geist for their annual Blast on the Bridge July 4th celebration. Davis reported that Mr. Hall has contacted the highway department regarding the permit. Dillinger seconded. Motion carried unanimously.

National Day of Prayer

Holt moved to approve the use of the west side of the Historic Courthouse for observance of the National Day of Prayer on May 5, 2011 from 10:30 a.m. to 1:30 p.m. Stevens stated that Chaplain Burton understands he is to make sure the handicap ramp is left open for public access to the courthouse during the service. Dillinger seconded. Motion carried unanimously.

Health Department Closure

Stevens reported that the Hamilton County Health Department will be closing for one day, April 19, 2011 for his departments' involvement in a large scale exercise being hosted at the Hamilton County 4-H Grounds. Altman asked Stevens to attend part or the entire event on part of the Commissioners; she will be out of town.

Prosecutor's Office Painting Project

Stevens reported the painting of the Prosecutor's office began this morning, the painters are staging in the northeast wing of the Commissioners Courtroom.

Vietnam War Memorial Rededication

Mr. Ron Wilson President of the Hamilton County Veterans has requested permission to hold a re-dedication ceremony of the Vietnam War Memorial on the Courthouse Square on Sunday, August 21, 2011. In conjunction with this event they have asked permission to stage a tent on the northwest corner grassy corner of the square. The tent will be on display August 19, 20, and 21 and be manned Saturday, August 20 during the evening hours and again on Sunday. The tent will be taken down on Monday. Holt moved to approve. Dillinger seconded. Motion carried unanimously.

Veteran Service Officer Annual Report

Stevens presented the 2011 Veteran Service Officer Annual Report for the Commissioners to review.

Buildings and Grounds Annual Report

Stevens presented the 2011 Buildings and Grounds Annual Report for the Commissioners to review. Altman asked Stevens to forward these reports with a letter from the Commissioners, to the County Council.

911 Review Board

Stevens reported the membership requirements for the Hamilton County 911 Review Board are set by local ordinance, not by statute. Holt moved to direct Howard to amend the county ordinance to permit the industry representative not to be a county resident. Dillinger seconded. Motion carried unanimously. Altman asked Stevens to share this information with Mr. Powell and that he will qualify to be a member of this Board.

April 11th Commissioner Meeting

Stevens asked who do the Commissioners want to attend the 9:00 a.m. April 11, 2011 Juvenile Services Center work session? Stevens reported that representatives from the Probation Department and Sheriff's Department will be

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attending. Altman asked that the Auditor attend. Dillinger asked that a Judge be invited to attend. Altman asked Stevens to bring the drawings of the building to the meeting.

AUDITOR

Liability Trust Claim

Holt moved to approve a Liability Trust Claim payable to Aim Right in the amount of \$371.00 for fire extinguisher training. Dillinger seconded. Motion carried unanimously.

Clerk's Monthly Report

Dillinger moved to accept the Clerk's Monthly Report dated February 28, 2011. Dillinger seconded. Motion carried unanimously.

Vendor Claims

Holt moved to approve Vendor Claims to be paid March 29, 2011. Dillinger seconded. Motion carried unanimously.

Payroll Claims

Holt moved to approve Payroll Claims for the period of March 7 thru 20, 2011 paid April 1, 2011. Dillinger seconded. Motion carried unanimously.

EMS/ALS Services MOU

Coverdale requested approval of the Memorandum of Understanding (MOU) with Jackson, Wayne and White River Townships for 2011 EMS/ALS (Emergency Medical Service/Advanced Life Support) Services. Holt asked why is Adams Township not included? Altman replied Adams Township had an agreement with the Town of Sheridan to provide fire protection for all of Adams Township and part of Marion Township. Adams Township understood that the County Council required a fire territory to be in place for funding in 2011, because they did not want to change their relationship into a fire territory they did not ask for funding because they did not want that restriction. That was what was clearly required from the County Council to get 2011 funding. When 2011 comes the money is available for the other three townships and they still don't have a fire territory and Council did not require the territory for funding. Adams Township is not happy about that situation because the rules changed and they are not getting a supplement. Coverdale distributed a spreadsheet giving the cash balances of each township as reported on their annual reports. Altman stated the Adams Township cumulative balance is incorrect; they have encumbered \$300,000 for the purchase of a fire truck out of the 2010 cash balance. Holt asked why does Wayne Township not show any EMS receipts? Altman stated because it goes to funding their volunteer fire department for an EMT (Emergency Medical Technician). Holt asked if the county funds don't go to EMS it goes to the fire department? Altman stated in Wayne Township it was contracted with Seals Ambulance Service to staff the ALS position. Holt asked where is the money in the receipt column? Holt asked if it is approximately \$108,000? Altman stated correct. Holt asked where does it show as a receipt? Altman replied it is budgeted through fire fighting and then a separate contract goes out to the volunteers who then contract with Seals. This year Wayne Township is contracting with the City of Noblesville to provide protection. To make that work at budget time and whether Wayne Township knew if they could borrow they had to do part equipment and part cash, using Cumulative Fire funding. Holt moved to approve the MOU. Coverdale reported these townships came to the County Council requesting approval, the Council had stated during 2011 budget hearings that if they came to the Council with an agreement prior to April 1, 2011 they would fund them for one more year because they would not have a tax rate for this year. Council approved the MOU and it was brought to their attention that if they were going to handle it like any other contract that it would have to be brought before the Commissioners before the money can be released. Holt moved to approve. Dillinger seconded. Holt stated if Adams Township feels they are not being treated fairly they should speak to the County Council. Altman replied they are doing that. Holt stated these people did what they were asked to do by the County Council and there is no point in holding it up. Dillinger and Holt approved. Altman abstained. Motion carried.

Liability Claim Settlement Authority

Mr. Dan Papineau reported he received acceptance of the county's settlement offer on the Haughey liability claim. Dillinger moved to approve \$7,850 as a liability claim settlement. Holt seconded. Motion carried unanimously.

Altman adjourned the meeting.

The Commissioners met in Executive Session in Conference Room 1A for discussion of personnel pursuant to IC 5-14-1.5-6.1(6)(B).

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Commissioner Correspondence

Malinowski Consulting Indirect Costs Reimbursements
Beam, Longest and Neff Notice of Submittal
 Bridge No. 252 Rehabilitation Requirements to DNR
INDOT Project Acceptance – Olio Road over I-69 Bridge, Fall Creek Township
IDEM Notice of Sanitary Sewer Construction Permit Applications
 Avalon of Fishers, Section 4C – Fishers
 Avalon of Fishers, Section 7A – Fishers
 CSO LTCP-Phase 3, Division 2 Central Storage Basin – Noblesville
 Pilgrim Lutheran Church – Carmel
IDEM Notice of Decision - Approval
 Horton Fan Systems Exempt Operation Status – Carmel
US Army Corps of Engineers Public Notice of Clean Water Act Application
 Peabody Midwest Mining - Evansville

Present

Christine Altman, Commissioner
Steven C. Dillinger, Commissioner
Steven A. Holt, Commissioner
Dawn Coverdale, Auditor
Dan Stevens, Director of Administration
Kim Rauch, Administrative Assistant to Auditor
Michael Howard, Attorney
Tom Gehlhausen, Sheriff’s Department
Brad Davis, Highway Director
Jim Neal, Highway Engineer
Joel Thurman, Highway Project Engineer
Brandi Wariner, Highway Public Service Representative
Faraz Khan, Highway Staff Engineer
Christopher Burt, Highway Engineering Technician
Tim Knapp, Highway Right-of-Way Manager
Kathy Howard, Highway Department Administrative Manager
Bob Davis, Highway Superintendent
Robin Ward, Assessor
Dan Papineau, Safety Risk Manager
Sheena Randall, Human Resources
Kris Pilkington, Brown & Brown Insurance
Patti Smith, BLN
Becki Wise, USI
Floyd Burroughs, FEBA

APPROVED
HAMILTON COUNTY BOARD OF COMMISSIONERS

ATTEST

Dawn Coverdale, Auditor

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